

January 3, 2002

BY HAND DELIVERY

Mary L. Cottrell, Secretary
Department of Telecommunications & Energy
Commonwealth of Massachusetts
One South Station, 2nd Floor
Boston, Massachusetts 02110

**Re: Fiber Technologies Networks, L.L.C. v. Town of Shrewsbury Electric
Light Plant, D.T.E. 01-70**

Dear Ms. Cottrell:

We are writing in connection with the “letter filing” transmitted to you by Fiber Technologies Networks, L.L.C. (“Fibertech”) on January 2, 2002. While we are unsure why Fibertech felt compelled to submit anything more with respect to discovery disputes while a ruling from the Hearing Officer that will impact such disputes is pending, one point is clear: it is Fibertech, and not Shrewsbury’s Electric Light Plant (“SELP”) that is seeking a pole attachment in this case. Accordingly, Fibertech carries the burden of demonstrating that it is a “licensee” with an “attachment” entitled to access SELP’s poles, as set forth in SELP’s original Motion to Compel. SELP carries no such similar burden.

The fact that each party raises relevancy objections to certain of the other party’s similar discovery requests is, for lack of a better term, irrelevant. Simply put, while SELP’s questions seek information regarding Fibertech’s business, customers and contracts – information which informs the issue of whether Fibertech is a “licensee” with an “attachment”, the information sought through Fibertech’s questions 3-2 and 3-3 does no such thing. The fact that the parties may pose similar objections to the same questions hardly constitutes an “admission” by SELP as to relevancy. While the the information sought through a question posed to SELP may be entirely irrelevant to this proceeding, similar information sought from Fibertech is, extremely relevant, if not dispositive of this case.

January 3, 2002
Page 2

Finally, SELP is working under the assumption that all due dates - - including those for motions to compel on the parties' third sets of information requests - - have been suspended pending the Hearing Officer's Ruling on the procedural schedule.

Very truly yours,

Kenneth M. Barna
Diedre T. Lawrence

cc: Service List